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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,581	05/11/2005	Toshihiro Nakajima	SHG-039P2-319 / OSP-17576	7110
26875	7590	12/01/2006	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/534,581

Applicant(s)

NAKAJIMA ET AL.

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 16,17,36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/11/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. Applicant's election without traverse of claims 1-15 and 18-35 in the reply filed on October 2, 2006 is acknowledged. It appears to the Examiner that claim 15 should also have been grouped with the nonelected claims by the prior Examiner who made the restriction, but the Examiner will so examine it as well.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 and 18-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, in claim 18, line 2 it appears proper to state that the two or more adhesive layers are --adjacent--. In each of independent claims 1 and 18 it also appears proper to insert just before the period the phrase --in the adhesive material-- so as to clearly indicate that the filler materials are indeed located in the adhesive material.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication 2001-249205 machine translation. Note particularly the Abstract and Figure, paragraphs 0008, 0009, 0015, 0020, 0023, 0025, 0027 and 0030. The

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reference discloses an anisotropic diffusion layer 3 having a plurality of fibrous (i.e. acicular) light diffusing agents 6 (i.e. fillers) dispersed substantially parallel to one another in a binder 5 (i.e. adhesive). As such, the refractive index of the fibrous agent is clearly different from the binder, thus meeting the limitations of claim 1, and for claim 5 note that the presence of laminated base layer 2 forms a laminated assembly.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-15 and 18-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over either US 2001/0002153 to Yano or JP Publication 11-223712 machine translation, each taken in view of either JP Publication 08-327805 machine translation or JP '205 machine translation. The primary references each disclose (note particularly Yano, the Abstract, paragraphs 0006, 0007, 0016-0018, 0020, 0025, 0027, 0042; JP '712, the Abstract, claim 1, paragraphs 0008, 0010) light diffusion adhesive sheets which can be laminated to a wide variety of optical materials if desired (see, e.g. Paragraphs [0027+] of Yano). The references, to be anticipatory of at least claim 1 lack a teaching of the presence of acicular fillers that are aligned in a desired direction so as to produce anisotropic light patterns, and in the case of Yano it is also not taught that the refractive indexes of the filler and the adhesive matrix must be different. Each of the secondary references, however, disclose (note particularly JP 08-327805, the Abstract,

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Figure, Claim 1, paragraphs 0006, 0014, 0015; JP '205 is relied upon substantially as set forth, above) the concept of utilizing geometrically parallel aligned acicular filler materials (which inherently are believed to have a different refractive index from their matrix polymer or adhesive) in place of the non acicular and non aligned fillers of the primary references so as to produce the desired anisotropic optical effects, which are deemed highly desirable in optical arts such as that of liquid crystals and the like.

Accordingly, one of ordinary skill who is desirous of obtaining such optical articles would have more than ample motivation to incorporate the aligned fillers of the secondary references into each of the primary references in place of their non-acicular fillers, and thereby form, or clearly render obvious, the claimed genus of optical articles. With respect to claim 18 and its dependent claims which require the presence of at least two such adhesive layers in each adhesive laminated assembly, this is believed to be a modification well within the ordinary skill of the art, as is the presence of the various laminated optical assemblies and sheets found in many of applicants' dependent claims, in the absence of unexpected results.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also the Abstract and claims of JP Publication 2002-250804.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized "Z".